

# The Gazette of India



EXTRAORDINARY

PART II—Section 2

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## LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st September, 1961:—

\*BILL No. 55 OF 1961

*A Bill to validate the imposition and collection of cesses on sugarcane under certain State Acts and to amend the U.P. Sugarcane Cess (Validation) Act, 1961.*

Be it enacted by Parliament in the Twelfth Year of the Republic of the India as follows:—

1. (1) This Act may be called the Sugarcane Cess (Validation) Act, 1961. Short title and commencement.

5 (2) Section 5 shall come into force at once, and the remaining provisions of this Act, in so far as they relate to any state, shall come into force in that State on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

10 2. In this Act,—

Definitions.

(a) “cess” means the cess payable under any State Act and includes any sum recoverable under any such Act by way of interest or penalty;

15 (b) “State Act” means any of the following Acts as in force in any State from time to time, by way of amendment or adaptation, namely:—

(i) The Andhra Pradesh (Andhra Area) Sugar Factories Control Act, 1949;

Act XX of 1949.

\*The President has, in pursuance of clause (1) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

- (ii) The Andhra Pradesh (Telengana Area) Sugarcane Cess Act, 1953; Act IX of 1953.
- (iii) The Bihar Sugar Factories Control Act, 1937; Bihar Act VII of 1937
- (iv) The Bombay Sugarcane Cess Act, 1948; Bombay Act LXXXII of 1948.
- (v) The Bombay Sugarcane Cess (Extension) Act, 1958; 5 Bombay Act LIV of 1958
- (vi) The Hyderabad Sugarcane Cess Act, 1953; Hyderabad Act IX of 1953.
- (vii) The Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1958; Madhya Pradesh Act of 1959.
- (viii) The Madras Sugar Factories Control Act, 1949; 10 Madras Act XX of 1949
- (ix) The Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Act, 1959; Mysore Act 19 of 1959.
- (x) The Mysore Sugarcane Cess Act, 1958. Mysore Act 27 of 1958.

Validation of  
imposition  
and collec-  
tion of cesses  
under State  
Acts

3. (1) Notwithstanding any judgment, decree or order of any court, all cesses imposed, assessed or collected or purporting to have been imposed, assessed or collected under any State Act before the commencement of this Act shall be deemed to have been validly imposed, assessed or collected in accordance with law, as if the provisions of the State Acts and of all notifications, orders and rules issued or made thereunder, in so far as such provisions relate to the imposition, assessment and collection of such cess had been included in and formed part of this section and this section had been in force at all material times when such cess was imposed, assessed or collected; and accordingly,—

(a) no suit or other proceeding shall be maintained or continued in any court for the refund of any cess paid under any State Act; 25

(b) no court shall enforce a decree or order directing the refund of any cess paid under any State Act; and

(c) any cess imposed or assessed under any State Act before the commencement of this Act but not collected before such commencement may be recovered (after assessment of the cess, where necessary) in the manner provided under that Act. 30

(2) For the removal of doubts it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person— 35

(a) from questioning in accordance with the provisions of any State Act and rules made thereunder the assessment of any cess for any period; or

(b) from claiming refund of any cess paid by him in excess of the amount due from him under any State Act and the rules made thereunder.

Bombay Act  
LXXXII of  
1948.

4. Nothing in this Act shall be construed as validating section 11 of the Bombay Sugarcane Cess Act, 1948 and accordingly the said section shall be omitted.

Omission of  
section 11 of  
the Bombay  
Sugarcane  
Cess Act.  
1948.

4 of 1961.

5. In sub-section (1) of section 3 of the U. P. Sugarcane Cess (Validation) Act, 1961, for the words, figures and letters "during the period beginning with the 26th day of January, 1950 and ending on the 3rd day of February, 1961", the words, figures and letters "before the 3rd day of February, 1961" shall be substituted and shall be deemed always to have been substituted.

Amendment  
of U.P. Su-  
garcane Cess  
(Validation)  
Act, 1961.

## STATEMENT OF OBJECTS AND REASONS

In the case of Diamond Sugar Mills Ltd., and another Vs. the State of Uttar Pradesh and another, the Supreme Court by a majority judgment delivered on the 13th December, 1960, held the U.P. Sugarcane Cess Act, 1956 *ultra vires* and beyond the competence of the State Legislature. This decision of the Supreme Court invalidated the levy and collection of cesses on sugarcane by the U.P. Government under that Act. The levies and collections of cesses by U.P. Government during the period 26th January, 1950 to 3rd February, 1961 have been validated by Parliament under the U.P. Sugarcane Cess (Validation) Act, 1961 (No. 4 of 1961). The sugarcane cess laws (named in the Bill) in respect of the States of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Madras, Maharashtra and Mysore are also affected by the judgment of the Supreme Court. Unless the cesses levied and collected under these Acts are validated, the State Governments would have to refund the entire amount of cess so levied and collected. As there is no entry in the State List or Concurrent List which authorises the State Governments to validate these past levies and collections, it is necessary to validate by an Act of Parliament the cesses imposed, assessed or collected by these States under the aforesaid laws. It is also necessary to validate the cesses levied or collected in the State of Uttar Pradesh prior to 26-1-50 and amend Act No. 4 of 1961 for this purpose. Hence this Bill.

MORARJI DESAI.

NEW DELHI;  
The 27th August, 1961.

## BILL No. 40 OF 1961

*A bill to amend the Public Employment (Requirement as to Residence) Act, 1957.*

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Public Employment (Requirement as to Residence) Amendment Act, 1961.

44 of 1957. 5 2. In section 5 of the Public Employment (Requirement as to Residence) Act, 1957 for the words "five years" the words, "ten years" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

In the Union Territories of the Himachal Pradesh, Tripura and Manipur as well as Telangana area of Andhra Pradesh, appointments to non-gazetted posts and Tehsildars are made from amongst the local men as a sort of legal protection, according to the Act. But the Act provides this protection upto 1962 only *i.e.* for 5 years.

The purpose of the Bill is to extend the period of 5 years of the operation of the Act to 10 years.

NEW DELHI;

LAISRAM ACHAW SINGH

*The 19th July, 1961.*

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M. N. KAUL,  
*Secretary.*